

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Advisory Action dated August 24, 2009 has been received and its contents carefully reviewed.

By this Response, claims 22 and 23 are amended, and claim 17 is canceled. Claims 27-37 have previously been withdrawn. Accordingly, claims 13-15 and 18-23 remain currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

In the Office Action, claims 13-15, 17-19 and 22-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,371,324 to Sinoto (hereinafter "Sinoto") in view of Melles-Griot Optics Catalog (Optics Guide 5) (hereinafter "Melles-Griot") and U.S. Patent No. 4,624,537 to Hanssen et al. (hereinafter "Hanssen"). Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinoto in view of Melles-Griot and Hanssen and in further view of U.S. Patent No. 3,912,920 to Kubota (hereinafter "Kubota").

The rejection of claims 13-15 and 18-23 are respectfully traversed and reconsideration is requested.

Claims 13-15 and 18-23 are allowable in that independent claim 22 recites a combination of elements including, for example, "a polarizer holder supporting said plurality of quartz substrate parts, wherein the polarizer holder includes a material having an optical absorptivity of almost 100%, and wherein the polarizer holder absorbs light reflected by the plurality of quartz substrate parts, wherein the polarizer holder has a lattice like structure, and wherein each quartz substrate part comprises a plurality of quartz substrates stacked on top of one another." However, none of cited references including Sinoto, Melles-Griot, Hanssen and Kubota teaches or suggests the feature of the present invention.

In rejection of claim 22, the Examiner states that Sinoto discloses "a plurality of sections (e.g. 20, 22, 24, 26) each section comprising a plurality of transparent substrates (e.g. 28, 30, 32, 34); a polarizer holder (36, opaque border) supporting said plurality of substrate parts, wherein the polarizer holder includes a material having an optical absorptivity, and wherein the polarizer holder absorbs light reflected by the plurality of substrate parts; a means for directing light onto

the plurality of substrates (via lenses) wherein the polarizer holder has a lattice like structure” (see Office Action, pages 2-3).

And, in rejection of claim 17, the Examiner states that Sinoto discloses “the plurality of substrates can be stacked (e.g. layers 104 and 106) [Col. 8, lines 10-19] (see Office Action, page 5).

However, Sinoto fails to teach or suggest “a plurality of transparent substrates (e.g. 28, 30, 32, 34) are supported by the polarizer holder, and the plurality of transparent substrates (e.g. 28, 30, 32, 34) can be stacked” recited in claims 22. **The layers 104 and 106 (information cell sheets) are not the plurality of transparent substrates (e.g. 28, 30, 32, 34). The opaque border (36) of Sinoto does not support the glass substrate or tiny squares (28, 30, 32, 34) of light polarizing material and does not absorb light reflected by the glass substrate or tiny squares (28, 30, 32, 34),** because tiny squares (28, 30, 32, 34) is secured to a transparent backing material such as glass, and the opaque border (36) separates individual ones of the information cells (18) including the tiny squares (28, 30, 32, 34) from one another. Accordingly, claims 13-15 and 17-23 are allowable over the cited references.

Also, claims 13-15 and 18-23 are allowable because there is no suggestion or motivation to combine Sinoto, Melles-Griot and Hanssen Kubota. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. (MPEP 2143.01 (III)).

Here, Sinoto teaches light-modulating information storage and retrieval system, which uses a light projector 10, an information retrieval slide 12, an information storage unit panel 14 and a read-out board 19 (Fig. 1). Sinoto teaches that information storage unit panel 14 includes a plurality of storage cells 18, and each of the storage cells 18 includes four horizontal arrays 20, 22, 24 and 26 each comprising four tiny squares 28, 30, 32, 34 (Col. 2, lines 41-64).

In contrast, Melles-Griot teaches a lens holder, whereby “[t]he body is black chrome coated to reduce scatter and stray reflections.” Further, the Examiner states that “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to make the material of the polarizer holder of Sinoto having an absorptivity almost equal to 100%, as taught by the Melles-Griot catalog.” (Office Action, page 4).

Applicants respectively assert that this feature of Melles-Griot is contradictory to the objective of Sinoto. This is because Sinoto expressly states that its objective is for no light to be lost from either state of polarization. Both polarization components are preserved and used by the light-modulating information storage and retrieval system. This objective would be undermined by a polarizer holder with a highly absorbing material, as suggested by the Examiner. Accordingly, Applicants respectfully submit that there is no motivation to combine the teaching of Sinoto and Melles-Griot.

Also, Hanssen teaches a microscope including a motor-displaceable mechanical stage, X and Y axes displacement drivers for driving the motor-displaceable mechanical stage and a track ball for delivering control signals to the X and Y axes displacement drivers. Hanssen is not related as polarizer system. Further, the Examiner states that “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of the modified Sinoto reference, as taught by Hanssen, in order to easily adjust the positioning of the polarization elements as needed.” (Office Action, page 5). Accordingly, Applicants respectfully submit that there is no motivation to combine the teaching of Sinoto and Hanssen.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 13-15 and 18-23.

Applicants believe the foregoing amendments and remarks place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

Application No.: 09/618,165
Amendment dated September 11, 2009
Reply to Advisory Action dated August 24, 2009

Docket No.: 8733.039.20

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: September 11, 2009

Respectfully submitted,

By: Valerie P. Hayes

Valerie P. Hayes

Registration No.: 53,005

McKENNA LONG & ALDRIDGE LLP

1900 K Street, N.W.

Washington, DC 20006

(202) 496-7500

Attorneys for Applicant